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EXAMINER

MARIAM, DANIEL G

ART UNIT PAPER NUMBER

2621

DATE MAILED: 07/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/887,635

Applicant(s)

KONDO ET AL.

Examiner

DANIEL G MARIAM

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 1 recites the limitation "the position" in 13. A similar limitation also occurs in claims 12 and 23. There is insufficient antecedent basis for this limitation in the claims.

Since claims 2-11, 13-22, and 24-33 depend (directly or indirectly) on claims 1, 12, and 33 respectively, they are also rejected under 35 U.S.C. 112 second paragraph, for the same reason set forth above for claims 1, 12, and 23.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

4. Claims 1, 8, 12, 19, 30 and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Oh, et al. (5,686,956).

With regard to claim 1, Oh, et al. discloses a digital image signal processing apparatus, to which an input digital image signal is input (See for example, Fig. 3), said digital image processing apparatus comprising: storing means for storing a digital image signal (See for example, item 300, in Fig. 3); extracting means for extracting a signal representing a specific area, i.e., first region, from the digital image signal stored in said storing means (See for example, item 301/302, in Fig. 3); detecting means for detecting a motion, i.e., motion vector, of the specific area based on the input digital image signal and the extracted signal representing the

Art Unit: 2621

specific area (See for example, items 303/305, in Fig. 3); and synthesizing means (item 306, in Fig. 3) for synthesizing the input digital image signal and the extracted signal representing the specific area so as to align the position of the extracted specific area and the position of a corresponding area represented by the input digital image signal, wherein said storing means updates the digital image signal stored therein with an output signal supplied from said synthesizing means (See for example, col. 4, line 37 – col. 5, line 47).

Claim 12 is rejected the same as claim 1 except claim 12 is a method claim. Thus, argument similar to that presented above for claim 1 is equally applicable to claim 12.

Claim 23 is rejected the same as claim 12. Thus, argument similar to that presented above for claim 12 is equally applicable to claim 23. Oh, et al. further discloses a computer-readable storage medium storing a program (See for example, Fig. 3).

With regard to claim 8, a signal processing apparatus according to claim 1, further comprising second extracting means for extracting an area corresponding to the specific area from the input image (See item 302, in Fig. 3).

Claim 19 is rejected the same as claim 8 except claim 19 is a method claim. Thus, argument similar to that presented above for claim 8 is equally applicable to claim 19.

Claim 30 is rejected the same as claim 19. Thus, argument similar to that presented above for claim 19 is equally applicable to claim 30.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-3, 6-14, 17-25, and 28-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maeda (5,274,453).

With regard to claim 1, Maeda discloses a digital image signal processing apparatus, to which an input digital image signal is input (See for example, Fig. 1), said digital image processing apparatus comprising: storing means for storing a digital image signal (See for example, item 15, in Fig. 1); extracting means for extracting a signal representing a specific area, i.e., an area where a moving picture exists, from the digital image signal stored in said storing means (See for example, Fig. 2); detecting means for detecting a motion of the specific area based on the input digital image signal and the extracted signal representing the specific area (See for example, item 7, in Fig. 1; col. 3, lines 21-43; and col. 4, lines 6-46); and synthesizing means (item 8, in Fig. 1) for synthesizing the input digital image signal and the extracted signal representing the specific area so as to align the position of the extracted specific area and the position of a corresponding area represented by the input digital image signal (See for example, item 8, in Fig. 1; Figs. 2A-2C; and col. 5, lines 15-64). Oh, et al. does not expressly call for wherein said storing means updates the digital image signal stored therein with an output signal supplied from said synthesizing means. it would have been an obvious matter of design choice to modify the updating of the mask information according to the detected motion vector taught in

Art Unit: 2621

Oh, et al. to update the image frame with the outputted information of the synthesizer, since no new or unexpected results are seen to be attained by updating the stored image signal with an output signal supplied from said synthesizer.

With regard to claim 2, a signal processing apparatus according to claim 1, wherein said synthesizing means comprises: shifting means for shifting the position of the input image or the position of the specific area according to the motion detected by said detecting means, and adding means (which also corresponds to the synthesizer) for adding the input image and the specific area (See for example, Figs. 2 and 3).

With regard to claim 3, a signal processing apparatus according to claim 1, wherein an object, i.e., airship, constituting said specific area moves differently from an object constituting the other area, i.e., objects other than the airship (See for example, Fig. 2A).

With regard to claim 6, a signal processing apparatus according to claim 1, wherein said synthesizing means comprises: shifting means for shifting the position of the specific area according to the motion detected by said detecting means, and adding means for adding the specific area having been shifted and the input image (See for example, Figs. 2 and 3).

With regard to claim 7, a signal processing apparatus according to claim 1, wherein said synthesizing means comprises: shifting means for shifting the position of the input image according to the motion detected by said detecting means, and adding means (which also corresponds to the synthesizer) reads on for adding the input image having been shifted and the specific area (See for example, Figs. 2 and 3).

Art Unit: 2621

With regard to claim 8, a signal processing apparatus according to claim 1, further comprising second extracting means for extracting an area corresponding to the specific area from the input image (See for example, Fig. 2).

With regard to claim 9, a signal processing apparatus according to claim 2, wherein said adding means adds the input image and the specific area by a weighted addition. Given the broadest reasonable interpretation, the synthesizer and/or adder, adds the data by weighting the plurality of pixel data supplied from the memories illustrated in Fig. 1).

Claims 10 and 11 are rejected the same as claim 9. Thus, argument similar to that presented above for claim 9 is equally applicable to claims 10 and 11.

Claims 12, 13, 14, 17, 18, 19, 20, and (21 & 22) are rejected the same as claims 1, 2, 3, 6, 7, 8, 9, and (10 & 11) respectively, except claims 12, 13, 14, 17, 18, 19, 20, and (21 & 22) are directed to method claims. Thus, arguments analogous to those presented above for claims 1, 2, 3, 6, 7, 8, 9, and (10 & 11) are respectively applicable to claims 12, 13, 14, 17, 18, 19, 20, and (21 & 22).

Claims 23, 24, 25, 28, 29, 30, 31, and (32 & 33) are rejected the same as claims 12, 13, 14, 17, 18, 19, 20, and (21 & 22) respectively. Thus, arguments analogous to those presented above for claims 12, 13, 14, 17, 18, 19, 20, and (21 & 22) are respectively applicable to claims 23, 24, 25, 28, 29, 30, 31, and (32 & 33). As to a computer-readable storage medium storing a program, applicant's attention is invited to Figure 1 of

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US Patent Numbers: 5731849, 5742294, 5880778, 5907353, 6049354, and 6052414; and a publication to: Kuwano, et al. "Telop character extraction from video data".

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL G MARIAM whose telephone number is 703-305-4010. The examiner can normally be reached on M-F (7:00-4:30) FIRST FRIDAY OFF.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, LEO BOUDREAU can be reached on 703-305-4607. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


DANIEL MARIAM
PRIMARY EXAMINER

July 8, 2004